

Election of Single Species

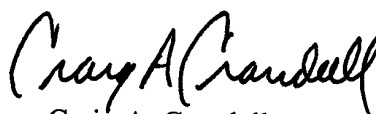
In the Office Action, the Examiner contends that the application contains claims directed to patentably distinct species of different biologically active agents. The Examiner thus requires that Applicants elect a single disclosed species for prosecution on the merits to which claims shall be restricted if no generic claim is finally held to be allowable.

Regarding the Examiner's request for an election of species, Applicant would argue that the claimed proteins, although having different structural and functional characteristics, are not patently distinct as relates to the claims of the present application, as each has a common utility, i.e., the ability to be used in the preparation of a sustained-release suspension for parenteral administration. As such, Applicant believes that the election is not required. Applicant will, however, herein elect granulocyte-colony stimulating factor (GCSF) as the protein species for prosecution on the merits to which claims shall be restricted if no generic claim is finally held to be allowable. Claims readable thereon are Claims 1-12.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that the claims are in condition for allowance and earnestly request the present application pass to issue. Should any matters remain outstanding, the Examiner is encouraged to telephone Applicant's undersigned attorney at (805)-447-3011.

Respectfully submitted,



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